

STANFORD UNIVERSITY  
STANFORD, CALIFORNIA

OFFICE OF THE PRESIDENT

March 10, 1969

Mr. Thomas P. Pike  
611 West Sixth Street  
Suite 3352  
Los Angeles, California 90017

Dear Tom:

Thank you for your note of February 27 about Father Hesburgh's declaration. Knowing as I do Ted Hesburgh and Notre Dame University, I must emphasize that there are substantial differences between that situation and Stanford at this time. Also, I hope that you have read or will read the full original statement of Father Hesburgh as well as his subsequent letter to Vice President Agnew (in response to President Nixon's letter); copies are attached. I emphasize particularly a key paragraph from the second letter:

"The best salvation for the university in the face of any crisis is for the university community to save itself, by declaring its own ground rules and basic values and then enforcing them with the widest and deepest form of moral persuasion for the good life of the university, and consequent moral condemnation with academic sanctions for any movement against university life and values-- especially violence, vandalism, and mob action, which are the antitheses of reason, civility, and the open society which respects the rights of each and all."

Last year the internal judicial system at Stanford completely collapsed and an interim system was discredited; it, too, collapsed. It is absolutely essential that a new judicial system develop broad support and real moral force on the campus.

We have made a great deal of progress; the new Stanford Judicial Council has handled a difficult case (of the type that caused a collapse last year), and its decisions have been broadly supported by both students and faculty. We must consolidate this position and solidify the consensus supporting the S. J. C... Also we need to allow the new Student Conduct Legislative Council to consider and enact a more explicit code of acceptable behavior. If I were to issue a threatening declaration at this time, it would be argued correctly that this showed a lack of confidence in these new Councils. Such an action could easily destroy the strength the new judicial system is now gaining.

I realize that the internal judicial system cannot deal with non-Stanford persons who may participate in or even lead disruptive actions. I have discussed this problem with the S. J. C. as well as the Dean of Students, and I intend to move on various fronts to build up a consensus supporting methods to be used, if necessary, to deal with outside elements. There are technical and legal problems in this area which I will be discussing with the Trustees in the near future.

Also, the use of outside police is frequently advocated by critics of campus policies, even when the disrupters are nearly all students. I believe the experience indicates that the introduction of outside police in such cases is almost always counterproductive. Notre Dame, under Father Hesburgh's unusual leadership and religious authority, might be an exception. But if internal judicial mechanisms operate and internal sanctions are enforced, disrupters are brought to justice more promptly and punished more effectively than is possible through the external legal system. Those arrested at San Francisco State and at Berkeley are promptly released on bail to return to the campus and continue agitation as heroes in the eyes of many fellow students. In contrast, the S. D. S. leaders recently convicted by the S. J. C. at Stanford drew virtually no support at a recent rally.

It is entirely possible that I should make a statement resembling somewhat Father Hesburgh's, but this must be timed in a manner to strengthen rather than undercut the new judicial system, and it must be preceded by consideration by student and faculty groups of the problem of outside disrupters and of other situations in which outside police assistance might be required. In the meantime, I must ask for your patience and your confidence in my judgement about tactics and timing.

A judicial system is now working at Stanford; we must nurture it patiently in the manner appropriate to Stanford in 1969. There is no question about where I stand, but I must carry the campus community with me.

Yours very sincerely,

*Ken.*

K. S. Pitzer

cc: All Stanford Trustees

This letter has been on my mind for weeks. It is both time and overtime that it be written. I have outlined the core of it to the Student Life Council, have discussed the text with the chairman of the Board of Trustees, the Vice Presidents' Council, all the deans of the university, and the chairmen of the Faculty Senate and the Student Life Council. This letter does not relate directly to what happened here last week end, although those events made it seem even more necessary to get this letter written. I have tried to write calmly, in the wee hours of the morning when at last there is quiet and pause for reflection.

My hope is that these ideas will have deep personal resonances in our own community, although the central problem they address exists everywhere in the university world today and, by instant communication, feeds upon itself. It is not enough to label it the alienation of youth from our society. God knows there is enough and more than enough in our often nonglorious civilization to be alienated from, be you young, middle-aged, or old.

The central problem to me is what we do about it and in what manner, if we are interested in healing rather than destroying our world. Youth especially has much to offer—idealism, generosity, dedication, and service. The last thing a shaken society needs is more shaking. The last thing a noisy, turbulent, and disintegrating community needs is more noise, turbulence, and disintegration. Understanding and analysis of social ills cannot be conducted in a boiler factory. Compassion has a quiet way of service. Complicated social mechanisms, out of joint, are not adjusted with sledge hammers.

The university cannot cure all our ills today, but it can make a valiant beginning by bringing all its intellectual and moral powers to bear upon them: all the idealism and generosity of its young people, all the wisdom and intelligence of its oldsters, all the expertise and competence of those who are in their middle years. But it must do all this as a university does, within its proper style and capability, no longer an ivory tower, but not the Red Cross either.

Now to the heart of my message. You recall my letter of Nov. 25, 1968. It was written after an incident, or happening if you will. It seemed best to me at the time not to waste time in personal recriminations or heavy-handed discipline, but to profit from the occasion to invite this whole university community, especially its central councils of faculty, administration, and students, to declare themselves and to state their convictions regarding protests that were peaceful and those that threatened the life of the community by disrupting the normal operations of the university and infringing upon the rights of others.

I now have statements from the Academic Council, the Faculty Senate, the Student Life Council, some college councils, the Alumni Board, and a whole spate of letters from individual faculty members and a few students. In general, the reaction was practically unanimous that this community recognize the validity of protest in our day—sometimes even the necessity—regarding the current burning issues of our society: war and peace, especially Vietnam; civil rights, especially of minority groups; the stance of the univer-

sity vis-a-vis moral issues of great public concern; the operation of the university as a university. There was also practical unanimity that the university could not continue to exist as an open society, dedicated to the discussion of all issues of importance, if protests were of such a nature that the normal operations of the university were in any way impeded, or if the rights of any member of this community were abrogated, peacefully or nonpeacefully. I believe that I now have a clear mandate from this university community to see that: 1) our lines of communication between all segments of the community are kept as open as possible, with all legitimate means of communicating dissent assured, expanded, and protected; 2) civility and rationality are maintained as the most reasonable means of dissent within the academic community; and 3) violation of others' rights or obstruction of the life of the university are outlawed as illegitimate means of dissent in this kind of open society. Violence was especially deplored as a violation of everything that the university community stands for.

Now comes my duty of stating, clearly and unequivocally, what happens if. I'll try to make it as simple as possible to avoid misunderstanding by anyone. May I begin by saying that all of this is hypothetical and I personally hope it never happens here at Notre Dame. But, if it does, anyone or any group that substitutes force for rational persuasion, be it violent or nonviolent, will be given 15 minutes of meditation to cease and desist. They will be told that they are, by their actions, going counter to the overwhelming conviction of this community as to what is proper here. If they do not within that time period cease and desist, they will be asked for their identity cards. Those who produce these will be suspended from this community as not understanding what this community is. Those who do not have or will not produce identity cards will be assumed not to be members of the community and will be charged with trespassing and disturbing the peace on private property and treated accordingly by the law. The judgment regarding the impeding of normal university operations or the violation of the rights of other members of the community will be made by the dean of students. Recourse for certification of this fact for students so accused is to the tripartite Disciplinary Board established by the Student Life Council. Faculty members have recourse to the procedures outlined in the Faculty Manual. Judgment of the matter will be delivered within five days following the fact, for justice deferred is justice denied to all concerned.

After notification of suspension, or trespass in the case of non-community members, if there is not then within five minutes a movement to cease and desist, students will be notified of expulsion from this community and the law will deal with them as nonstudents.

Lest there be any possible misunderstanding, it should be noted that law enforcement in this procedure is not directed at students. They receive academic sanctions in the second instance of recalcitrance and, only after three clear opportunities to remain in student status, if they still insist on resisting the will of the

community, are they then expelled and become nonstudents to be treated as other nonstudents, or outsiders.

There seems to be a current myth that university members are not responsible to the law, and that somehow the law is the enemy, particularly those whom society has constituted to uphold and enforce the law. I would like to insist here that all of us are responsible to the duly constituted laws of this university community and to all of the laws of the land. There is no other guarantee of civilization versus the jungle or mob rule, here or elsewhere.

If someone invades your home, do you dialog with him or call the law? Without the law, the university is a sitting duck for any small group from outside or inside that wishes to destroy it, to incapacitate it, to terrorize it at whim. The argument goes—or has gone—invoke the law and you lose the university community. My only response is that without the law you may well lose the university—and beyond that—the larger society that supports it and that is most deeply wounded when law is no longer respected, bringing an end of everyone's most cherished rights.

I have studied at some length the new politics of confrontation. The rhythm is simple: 1) find a cause, any cause, silly or not; 2) in the name of the cause, get a few determined people to abuse the rights and privileges of the community so as to force a confrontation at any cost of boorishness or inequity; 3) once this has occurred, justified or not, orderly or not, yell police brutality—if it does not happen, provoke it by foul language, physical abuse, whatever, and then count on a larger measure of sympathy from the up-to-now apathetic or passive members of the community. Then call for amnesty, the head of the president on a platter, the complete submission to any and all demands. One beleaguered president has said that these people want to be martyrs thrown to toothless lions. He added, "Who wants to dialog when they are going for the jugular vein?"

So it has gone, and it is generally well orchestrated. Again, my only question: Must it be so? Must universities be subjected, willy-nilly, to such intimidation and victimization whatever their good will in the matter? Somewhere a stand must be made.

I only ask that when the stand is made necessary by those who would destroy the community and all its basic yearning for great and calm educational opportunity, let them carry the blame and the penalty. No one wants the forces of law on this or any other campus, but if some necessitate it, as a last and dismal alternative to anarchy and mob tyranny, let them shoulder the blame instead of receiving the sympathy of a community they would hold at bay. The only alternative I can imagine is turning the majority of the community loose on them, and then you have two mobs. I know of no one who would opt for this alternative—always lurking in the wings. We can have a thousand resolutions as to what kind of a society we want, but when lawlessness is afoot, and all authority is flouted, faculty, administration, and student, then we invoke the normal societal forces of law or we allow the university to die beneath our hapless and hopeless gaze. I have no intention of presiding over such a spectacle: Too many people have given too much of themselves and their lives to this university to let this happen here. Without being melodramatic, if this conviction makes this my last will and testament to Notre Dame, so be it.

May I now say in all sincerity that I never want to see any student expelled from this community because, in many ways, this is always an educative failure. Even so, I must likewise be committed to the survival of the university community as one of man's best hopes in these troubled times. I know of no other way of ensuring both ends than to say of every member of this community, faculty and students, that we are all ready and prepared and anxious to respond to every intellectual and moral concern in the world today, in every way proper to the university. At the same time, we cannot allow a small minority to impose their will on the majority who have spoken regarding the university's style of life; we cannot allow a few to substitute force of any kind for persuasion to accept their personal idea of what is right or proper. We only insist on the rights of all, minority and majority, the climate of civility and rationality, and preponderant moral abhorrence of violence or inhuman forms of persuasion that violate our style of life and the nature of the university. It is, unfortunately, possible to cut oneself off from this community, even though the vast majority of our members would regret seeing it happen. However, should this occur, the community as a whole has indicated that it will vote and stand for the maintenance of this community's deepest values, since this is the price we all pay for the survival of the

university community in the face of anyone and everyone who would destroy or denature it today, for whatever purposes.

May I now confess that since last November I have been bombarded mightily by the hawks and the doves—almost equally. I have resisted both and continue to recognize the right to protest—through every legitimate channel—and to resist as well those who would unthinkingly trifle with the survival of the university as one of the few open societies left to mankind today. There is no divine assurance that the university will survive as we have known and cherished it—but we do commit ourselves to make the effort and count on this community, in this place, to uphold the efforts that you have inspired by your clear expression of community concern. Thanks to all who have declared themselves, even to those who have slightly disagreed, but are substantially concerned as well.

As long as the great majority of this community is concerned and involved in maintaining what it believes deeply to be its identity and commitment, no force within it, however determined or organized, can really destroy it. If any community as a whole does not believe this, or is not committed to it, it does not deserve to survive and it probably will not. I hope we will. To this, I commit myself with the presumption that the great majority of you are with me in this concern and commitment.

I truly believe that we are about to witness a revulsion on the part of legislatures, state and national, benefactors, parents, alumni, and the general public for much that is happening in higher education today. If I read the signs of the times correctly, this may well lead to a suppression of the liberty and autonomy that are the lifeblood of a university community. It may well lead to a rebirth of fascism, unless we ourselves are ready to take a stand for what is right for us. History is not consoling in this regard. We rule ourselves or others rule us, in a way that destroys the university as we have known and loved it.

*Devotedly yours in Notre Dame,*  
(Rev.) Théodore M. Hesburgh, C.S.C.  
*President*

## The Nixon Letter

I share your concern over the recent disorders that have paralyzed campus after campus across the country in recent weeks, and I want to applaud the forthright stand you have taken.

As you know, the issues raised by the protesting students range from minor reforms within the academic community to major concerns of national policy.

But the means some students—a small, irresponsible minority—have employed reflect an impatience with democratic processes, an intolerance of legitimately constituted authority, and a complete disregard for the rights of others.

Violence and vandalism have marked many of these protests, and the rights of the majority of the students have been grossly abused.

If the integrity of our universities is to be preserved, then certain principles must be re-established and certain basic rules enforced. Intimidation and threats remain outlaw weapons in a free society.

A fundamental governing principle of any great university is that the rule of reason and not the rule of force prevails. Whoever rejects that principle forfeits his right to be a member of the academic community. The university administrator who fails to uphold that principle jeopardizes one of the central pillars of his institution and weakens the very foundation of American education.

I have directed the Vice President in meetings in Washington this coming week with the governors of the 50 states to discuss what action, consistent with the traditional independence of American universities, might be taken at the state and Federal levels to cope with the growing lawlessness and violence on our campuses. I would appreciate it greatly if you would take the time to give him your views on this matter.

## The Hesburgh Suggestions

*(Written from Bogota, Colombia, where Father Hesburgh was attending a meeting of the Council on Higher Education in the American Republics.)*

President Nixon has asked me to give you my views regarding campus unrest and possible action. The President most wisely states that any action must be "consistent with the vital importance of maintaining the traditional independence of American universities."

In the concluding sentence of my recent letter to Notre Dame faculty and students, I voiced my own central concern in

the face of our current crisis: "We rule ourselves, or others rule us, in a way that destroys the university as we have known and loved it." Universities, like countries, can be equally destroyed from inside or from outside. The motivation may be different, to hurt or to help, but the result is the same—no more university: mob rule instead of civility, force substituting for reason, tyranny for persuasion, police state instead of the house of the intellect with all its glorious virtues exercised in freedom.

Writing from such a distance and in the midst of a busy conference, I shall make my comments as brief as possible.

1. The best salvation for the university in the face of any crisis is for the university community to save itself, by declaring its own ground rules and basic values and then enforcing them with the widest and deepest form of moral persuasion for the good life of the university, and consequent moral condemnation with academic sanctions for any movement against university life and values—especially violence, vandalism, and mob action, which are the antitheses of reason, civility, and the open society which respects the rights of each and all.

2. When moral persuasion and academic sanctions fail to deter those who show open contempt for the life style and self-declared value of the university community, there should be no hesitation to invoke whatever outside assistance is necessary to preserve the university and its values. However, it is the university that best judges its need for outside assistance and invokes this assistance, much as it would call for help in a three-alarm campus fire. Here the custom is the survival against forces bent on destruction.

3. It is important to see and judge universities today as they really are, not as they appear to be. The bizarre and widely publicized antics of relatively few students and relatively even fewer faculty are accepted as the stereotypes of all students and all faculty, much to the disgust of this widely maligned majority of faculty and students. The vast majority of university and college students today are a very promising and highly attractive group of persons: They are more informed, more widely read, better educated, more idealistic, and more deeply sensitive to crucial moral issues in our times, more likely to dedicate themselves to good rather than selfish goals than any past generation of students I have known. Many of them are bothered by some aspects of American and world society and current values or the lack of them—with good reason in most cases. They would work very hard, I believe, if given a real opportunity to participate in changing this world for the better. They would also find out how hard this is to do, and would quickly discard some of their more naive present solutions to our problems. Even the most far-out students are trying to tell society something that may also be worth searching for today if they would only lower the volume so we could hear the message.

Anyway, the great majority of our students need better leadership than we or

the faculty have been giving them. In a fast-changing society, the real crisis is not one of authority, but a crisis of vision that alone can inspire great leadership and create great morale in any society. A rebirth of great academic, civic, and political leadership, a sharing of some of these youthful ideals and dreams (impossible or not) would be good for our universities and good for America too.

It might also help us all remove some of the key problems that underline most of the unrest. The campus is really reflecting America and the world today in hi-fi sound and living color.

4. Part of the vision I have been speaking of must certainly include law and order. But curiously enough, one cannot really have law and order without another part of the vision: greater achievement of justice in our times, more compassion for all, real love between the generations. All elements of the vision are interdependent. Moreover, the vision must be whole and real for everyone.

Lastly, a measure of humor would help from time to time to break up the deathly seriousness of the present scene.

5. As to present action, I would make the following two suggestions:

A. Assume for a few months that the university community—faculty, students, administration, and trustees—are capable, in most cases, of laying down their own guidelines and effectively maintaining them in their usual free and independent university style. Things will be messy from time to time but we will make it as universities if we determine strongly to maintain our freedoms and our values. That determination is growing on every campus, every day now. Give it elbow room in which to grow and operate in its own good way.

B. Where special help is needed, let all assume it will be asked for and given quickly, effectively, and as humanely as possible given the provocations that surround the need for such outside help, as a last alternative to internal self-correction. But let it be understood that the university, and only the university, public or private, makes this determination.

If my two assumptions are correct, the crisis will pass without the further requirement of actions other than those contained in my assumptions, especially not repressive legislation, or over-reaction in its many forms.

May I conclude with a word of optimism. As Dickens wrote in *A Tale of Two Cities*, "It was the best of times and the worst of times." The worst because many of our best traditions, as universities and as a nation, are under siege. The best of times because we are going to win this battle, not by repressing the very values of rationality, civility, and openness that we are trying to save, but by reinforcing them in our belief in our lives, in our institutions, and especially by using them, and hopefully youths' great vigor and idealism as well, to attack the deeper problems yet ahead of us in our age-long walk out of the jungle into the light.